

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: CV 15-09303-AB (KSx)

Date: December 21, 2016

Title: *R and S Worldwide, Inc. v. Rue 21, Inc., et al.*

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:
None Appearing

Attorneys Present for Defendants:
None Appearing

Proceedings: [In Chambers] Order To Show Cause Regarding Dismissal for Lack of Prosecution.

Plaintiff(s) are ORDERED to show cause why this case should not be dismissed, for lack of prosecution. *Link v. Wabash R. Co.*, 370 U.S. 626 (1962) (Court has inherent power to dismiss for lack of prosecution on its own motion).

The Court, on its own motion, orders Plaintiff(s) to show cause, in writing, on or before **January 3, 2017**, why this action should not be dismissed for lack of prosecution. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of Plaintiff(s) response. Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action.

On September 9, 2016 the Court ordered Defendant MJCK to have a licensed attorney enter an appearance on its behalf no later than twenty-one (21) days after being served with a copy of the Court's Order. (Dkt. No. 53). Plaintiffs served the order on MJCK Corporation via mail and filed proof of service on September 25, 2016.

Defendant(s) **MJCK Corporation** still has not retained counsel, yet Plaintiff(s) have failed to request entry of default, pursuant to Fed. R. Civ. P. 55(a). Plaintiff(s) can satisfy this order by seeking entry of default or by dismissing the complaint.

Accordingly, the Court VACATES the scheduled pretrial conference and trial dates in this matter, currently set for January 9, 2017 and January 24, 2017, respectively.

IT IS SO ORDERED.